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MICRC

01/19/22 10:00am Meeting

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>> CHAIR WITJES: As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:04 a.m.

This Zoom webinar is being live streamed on YouTube at Michigan Independent Citizens Redistricting Commission YouTube channel.

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI.

Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting. Please E-mail us at Redistricting@michigan.gov for additional details for accessing language translation services for this meeting.

People with disabilities or needing other special or specific accommodations should also contact Redistricting at Michigan.gov.

This meeting is also being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date.

This meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC website along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC, this portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, our Executive Director and at WoodsE3@Michigan.gov or 517-331-6309.

For the public watching and the public record I will turn to the department state staff take note of the commissioners present.

>> SARAH REINHARDT: Thank you, Mr. Chair. Good morning, Commissioners. Say present when I call your name. And are attending remotely so please say where you are attending the meeting from, and unless your absence is due to military duty, state, city, county, township or village and state you are attending.

I will call on Commissioners in alphabetical order starting with Doug Clark.

>> VICE CHAIR CLARK: Present. I'm attending today's meeting from Dortay, California.

>> MS. SARAH REINHARDT: Juanita Curry.

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>> COMMISSIONER CURRY: Present; attending virtually from Detroit, Michigan.
>> MS. SARAH REINHARDT: Anthony Eid?
>> COMMISSIONER EID: Present, remotely attending from Oakland County, Michigan.

Brittini Kellom?

>> COMMISSIONER KELLOM: Attending from Detroit, Michigan.

Rhonda Lange?

Steve Lett?

>> COMMISSIONER LETT: Present from Lansing, Michigan.
>> MS. SARAH REINHARDT: Cynthia Orton?
>> COMMISSIONER ORTON: Present; attending from Battle Creek, Michigan.
>> MS. SARAH REINHARDT: MC Rothhorn?

Rebecca Szetela?

>> COMMISSIONER SZETELA: Present, attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Janice Vallette.

>> COMMISSIONER VALLETTE: Present. Attending remotely from Highland Township, Michigan.

>> SARAH REINHARDT: Sorry Richard. I skipped Erin.

Erin Wagner?

Richard Weiss?

>> COMMISSIONER WEISS: Present. Attending remotely from Saginaw Township, Saginaw Michigan.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present, attending remotely from Tuscola, Illinois.

>> SARAH REINHARDT: Ten Commissioners are present and there is a quorum.

>> CHAIR WITJES: Thank you very much, Ms. Reinhardt.

As a reminder to the public watching, You can view the agenda at Michigan.gov/MICRC.

I would now entertain a motion to approve the meeting agenda.

Motion by Commissioner Orton and seconded by Commissioner Lett. Any discussion or debate on the motion?

All right, hearing none, let's move and seconded to be adopted all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

All right as the ayes prevail the motion is adopted.

I will move on to public comment.

Without objection we will begin the public comment portion of our meeting. Hearing no objection, we will now proceed with the public comment.

Individuals who have signed up and indicated that they would like to provide live remote public commentary to the Commission will now be allowed to do so.

I will call on your name and the staff will unmute you. If you are on a computer, you will be prompted by the zoom app to unmute your mic and speak.

If you are on the phone, a voice will say that the host would like you to speak and prompt you to press star six to unmute.

I will call on you by your name or the last four digits of the phone number. Also note if you experience technical or audio issues or we do not hear from you for 3-5 seconds, we will move on to the next person in line and then return to you after they are done speaking.

If your audio still does not work, you can e-mail at redistricting@michigan.gov and we will help you troubleshoot so you can participate during the next public comment period at a later hearing or meeting.

You will have two minutes to address the Commission. Please conclude your remarks when you hear the timer.

First in line to provide public comment this morning is Mr. Anthony Skinnell.

>> Hello, MICRC.

I watched your last meeting and I was disappointed to see voter turnout in Wayne County was 46.3%.

That's pretty up setting.

But I don't know, maybe your maps did not inspire turn out who knows.

It was 7.4% worse than I don't know if it was 2020 they compared it to, whatever, 2018, whatever it was it was pretty bad.

But I've been thinking about the Commission.

I probably said this before the dormancy is a big topic of discussion but I think it's been the cart before the horse because you have been discussing dormancy before you discussed the reports or had an idea what your reports would look like and the dissenting reports and all that.

So I think it's been something that you rush to and unnecessarily.

Number two I would recommend the next Commissioner that you guys recommend to the next Commission employ a parliamentarian and have good discussions and not talking over each other and seemingly making side bar deals that is the perception from the meeting and the Commissioner said, quote, numerous times as attending remotely I watched the Commission take breaks and come back and pass a motion regarding Commission business that wasn't part of the discussion that took place prior to the break.

And therefore remote Commissioners weren't privy.

Unfortunately, this calls into question the whole matter of transparency for me, end quote, from the dissenting report from one Commissioner.

So, you know, Section ten of the constitutional amendment says each Commissioner shall perform his or her duties in a manner that is impartial and reinforces public competence in the integrity of the redistricting process.

The Commission shall conduct business its business in an open meeting. So I think we still have issues.

>> CHAIR WITJES: All right well that concludes our public comment.

However, I would like to mention that all e-mailed and mailed public comments are provided to the Commission before each meeting Commissioners are also regularly review the public comment portal on our www.Michigan.gov/MICRC website.

We appreciate everyone who offers public comment in whatever way you choose and invite you to keep sharing your thoughts especially if you would like to share ways the MICRC process or procedures have been good or could be more effective.

All right. We will move on in our agenda to item five unfinished business. Which will be item 5A the fiscal year 23 budget update without objection I will ask our MICRC Executive Director Edward Woods III to present this item. Hearing none, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Witjes.

Let me put up my screen so everybody can see.

You can see it just nod your head, please.

Great, thank you.

Just kind of want to update where we are with regards to our fiscal year 23 budget update.

Many of you may have known that the Senate, the State Senate approved yesterday the 1.5 million budget supplemental that was not approved in the last legislative session.

They did approve it.

But it still needs the House to approve it and the Governor's approval.

As relates to the budget, the Court of claims response and I'm sure Commissioner Lett will address that later is due Wednesday, January 25th, but we do have some progress with regards to some of our funding.

I repeat some of our funding for fiscal year 23.

Our fiscal year 23 funding amount which is based upon 25% of the Michigan Department of State general fund general purpose amount is roughly 3.17 million. 3.17 million.

But, however, this is a step in the right direction.

So just wanted to provide that update to the Commission.

If there is any questions I can take them at this time.

>> CHAIR WITJES: Any questions for Director Woods in regards to the budget update from anyone? All right, seeing none we will chug along on our agenda here.

Next is item 5B, dormancy and reactivation plan.
And without objection I will ask Commissioner Lett.
And Commissioner Clark to present this item.
Hearing none, please proceed, Commissioner Lett.

>> COMMISSIONER LETT: Thank you, Dustin.
The plan is as presented.
We did hear back from Mike Brady, who is on with us today, that he has no further report.
So the next step as far as the Commission goes and there's not necessarily a need to adopt the plan today.
But it is as presented.
And I would assume that we will be adopting that within the next one or two meetings.
If anybody has any questions, I'd be happy to answer them.

Doug, what do you have to add, please?

>> VICE CHAIR CLARK: Yeah, I'd like to add that we have been putting this thing together for eight months now and I'd like to put a motion forward that we adopt this as our plan moving forward.

>> COMMISSIONER SZETELA: Second.

>> CHAIR WITJES: Okay. There has been a motion that was brought by Commissioner Clark and seconded by Commissioner Szetela to approve the dormancy and reactivation plan they have been working on for the past eight months.
Any discussion or debate on said motion? Commissioner Kellom?

>> COMMISSIONER KELLOM: Can you quickly or someone it doesn't matter give the nuts and bolts of the plan in terms of start date and what it would entail?

>> COMMISSIONER LETT: Sure. Doug, you want to do that?

>> VICE CHAIR CLARK: Yeah, let me get a copy of it in front of me.
Yeah, it's pretty basic.
One of the things that we did is that we met with Sarah and we met with some of the Department of State technical folks.
Because a key part of the plan was what do we do with our equipment when the time comes.
And the idea and the language in the plan is that the equipment would be returned once dormancy was voted on and by the Commission.
And decided it was going to move forward.
The equipment would be returned.
And the state would take ownership of it.
And would put it through their normal process that they do, that they utilize within the state.

We did not want to touch the process at all.

And the reactivation portion of it is that if we get new equipment they will rebuild it.

And they have a process to do that.

It's a standard process within the State of Michigan.

And they will then redistrict the equipment to us.

And they are able to maintain all the data.

So that's the basics behind it.

Let me highlight a couple things.

We do vote to go into dormancy.

When we go into after we go into dormancy, our pay stops at that point in time.

And if we go back into reactivation, then our pay will kick in again.

It will start getting paid again.

Hopefully we won't have to get reactivated once we hit dormancy.

That is the basics behind it.

And Edward has mailed out a copy of the verbiage which Steve has put together as part of one of the procedures.

And he wrote the Ts and Cs associated with that.

>> COMMISSIONER KELLOM: So if I'm understanding correctly at this time there is no like time stamp, this is more structural of the how to?

>> VICE CHAIR CLARK: Correct, yeah.

The time is determined by the Commission when we go into deactivation.

And that would become a subject of the meeting more than likely when the last lawsuit is closed out in the courts.

>> COMMISSIONER KELLOM: Okay, all right, it's a plan for dormenting and putting the equipment in.

>> VICE CHAIR CLARK: We will send it back to the state.

>> COMMISSIONER KELLOM: Thank you Commissioner Lett and Clark.

>> CHAIR WITJES: Commissioner Weiss?

>> COMMISSIONER WEISS: A question when we go in dormancy will they in a sense provide us a list of what we should give or what we have to give back so we don't miss anything or something doesn't get returned? Like a list of requirements.

Obviously, the computer, the phones and stuff but whatever else.

>> VICE CHAIR CLARK: Other than our notes I don't know of anything else.

Then the actual hardware that we have.

But, Sarah, do you have an opinion on that? .

>> SARAH REINHARDT: In terms of equipment that has come through the Department of State to the Commission we can certainly provide a list of what should be returned.

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However, it's important that Commissioners note and I know that you all were aware of this that you must preserve any of your handwritten notes or documents that you have in your possession as well.

And as to that I'm not sure that we would have a list of or an inventory of what's in your possession.

So that would really fall to each Commissioner to preserve when the Commission enters dormancy.

Just one additional note going off what Doug presented, I just wanted to note the Department of State, we did consult with Commissioner Clark and Commissioner Lett on equipment and the return of equipment and the procedure that we have in place for that.

And what we have done for your previous staff whenever they have departed with their equipment.

Just wanted to note that that was exclusively what we consulted on them with and not the overall document itself, thank you.

>> COMMISSIONER LETT: Any other questions, Brittini? Or anybody else.

>> MR. EDWARD WOODS: In essence no one should have classified documents at home.

>> COMMISSIONER LETT: I was not going to bring up the document but yes that is correct.

We have already -- everybody should have already turned in a whole slew of records and reports.

Obviously if you are taking copious notes which I can't understand why you would be at this stage of the game, but if you are, then we go into dormancy, all of the written documents you have or have received would be bundled up and packaged off and put in storage.

So there would be -- you should have no classified documents for the MICRC in your home once we go dormant.

>> MR. EDWARD WOODS: Or office or any place else.

>> COMMISSIONER LETT: Or office or your car or on some CNN train rolling down the road.

Nowhere.

So that would be what it would be.

Doug is right, when the last lawsuit is done, I would anticipate at the next meeting we will vote to go dormant and that would end that.

Obviously there would be some winding up to do from a business standpoint with Edward assuming he were still here doing that.

And once that is done it's done.

With that I have nothing further.

Sarah still has her hand up, do you have more Sarah.

Yes.

>> MS. SARAH REINHARDT: No, I don't. I will lower my hand.

>> COMMISSIONER LETT: Dustin it's back to you.

>> CHAIR WITJES: On that motion since there is no other discussion and it's been moved and seconded to accept the plan all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Yes.

>> SARAH REINHARDT: Can we clarify Commissioner Curry's vote.

>> CHAIR WITJES: How did you vote.

>> COMMISSIONER CURRY: Aye.

>> CHAIR WITJES: Ayes prevail and the motion has been adopted.

All right moving on I believe we are going down into new business.

Item 6A fiscal year 2022 budget close out.

Without objection I will ask MICRC Executive Director Edward Woods to present this item.

Hearing none please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you Commissioner Witjes.

We have a budget close out as you know the budget closed out September 30th 2022.

And then we reached out to all of our vendors to make sure that we either had the invoice with regards to our consultant and tried to make sure we had everything.

There was two things that once we get our funding that we will need to pay, two things we will need to pay.

It's a printing bill that we have for our maps that we produced and we also made sure that they went to the archive and record of secretary of states and the maps we have a printing bill and a census resolution that was with EDS with regards to some work done in August and September.

So looking at a total of roughly \$5300, \$5300 that will be a part of this budget for 2023. 5300 just to give you an estimate with regards to that.

If there are any questions, I can take them at this time.

All right, thank you, Mr. Chair. If you like, I can continue going with the next item.

>> CHAIR WITJES: Yes fiscal year 23 outstanding expenses, without objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: This is the fiscal 23 revised budget as approved by the Commission.

The total budget is 3,169,825.

This represents once again the 25% we talked about earlier.

This represents salaries at 25%.

Executive Director, travel costs, our technology, meetings, consultants, and deals with legal and compliance issues as well as office supplies.

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75%, I repeat 75% of the money is for legal and compliance issues.

75% of the money is for legal and compliance issues.

So far these are outstanding invoices and expenses that we have received to date that I want to share with you.

Once again these are outstanding invoices and expenses that I would like to share with you at this time.

So everyone has an idea of what we have.

Our meetings expense is 900.

This pays for the sign language interpreter that we have that does an outstanding job for us.

Telecommunications deals with the phones.

As you know we received cutoff notice with regard to our phone.

We have not paid our phone bill for three months.

Staff salary, technology, internal purchases, this is mainly updating our computers, Commission salaries the printing I told you we need to include.

The consultants for the entire 24604352.

If you want a breakdown the line consultant is 23810.

Litigation counsel is roughly 137,000.

The local counsel 75,600.

VRA legal is 8500 and financial services to make sure we stay compliant with our reporting is roughly a thousand dollars.

So the precise amount is 431,994.58.

That is outstanding.

I repeat outstanding that we are behind as relates to our bills.

This was a request that came from the Commission at the last meeting with regards to where we are.

And so I wanted to get as accurate data as possible so we have been working on this with insight three.

We are using the accrual method of accounting as recommended.

And Commissioner Vallette knows that from our audit experience in terms of what we are doing.

But this is kind of where we are with regards to the amount that is outstanding.

So if there are any questions we can talk about that.

I know Commissioner Lett is going to talk about the AG case.

But we do know we will be incurring serious legal fees next month as we prep for that. Commissioner Clark?

>> CHAIR WITJES: Muted.

>> VICE CHAIR CLARK: Sorry.

The previous slide this morning you talked about getting about 1.5 million if the Senate approved.

And the slide that you just showed shows that we've got outstanding expenses of a third of that already.

So we are going to probably go through that 1.5 million in I don't know how quick but it's going to be pretty quick because of the lawsuit.

Is there a plan to move forward in getting the remainder of the 25% of the Department of State budget 3.3 million? Which will be additional 1.5.

>> MR. EDWARD WOODS: We will continue to work with the administration legislature with regards to that.

Basically what they did was they resubmitted the supplemental bill from last year to this year to get it going.

This would be a faster route in terms of getting us the money that we need to pay our outstanding bills.

Before we go through the budgetary process where we request funds as relates to next year.

So I see this and Commissioner Lett can comment as a positive first step with regards to resolving our outstanding bills.

But more importantly, defending the maps that were drawn fairly with citizen input.

>> VICE CHAIR CLARK: I personally just see us getting ourselves in a few months in the same situation that we are in today where we expended all the funds that we've been budgeted.

So I'm hopeful that we are taking aggressive action, not to get ourselves into that situation.

That's all I have.

>> CHAIR WITJES: Any other questions or comments? All right.

Seeing none we will move on to our next agenda item which is 6C MICRC legislation improvements.

Also presented by I was about to say Commissioner Woods but Executive Director Woods.

Without objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Great, thank you.

We asked the Voters Not Politicians, the one that is responsible for organizing proposal 201802 draft the proposal.

Obviously as Commissioners you have been out and about at public hearings, different meetings and we all know that the Commission didn't create the proposal.

But they did follow the proposal in terms of following the 7 ranked redistricting criteria and ensuring citizen input.

So what we want to do is just basically have a discussion as to what you feel could be changed and then based on this discussion I would share this information with Voters Not Politicians.

They are preparing a lessons learned as a result of this process.

And obviously because of we have felt maybe the brunt of some frustration there might be some things that you can share that could be helpful to them with regards to how the legislation was written for the Michigan Independent Redistricting Commission.

At this time it's just an open discussion. If people have ideas or things, I will write them down so that I can share that with Voters Not Politicians.

>> CHAIR WITJES: Who wants to start all right Commissioner go ahead.
Commissioner Orton I saw your hand first go ahead.

>> COMMISSIONER ORTON: So this is talking about how it was written and how that could be improved.

>> CHAIR WITJES: Correct.

>> COMMISSIONER ORTON: One thing we see right now we are struggling with is it would have been good to add how it all ends, how we disband when maybe more clearly about when it ends and what that procedure is.

>> MR. EDWARD WOODS: Thank you all it all ends is what I have down.

>> CHAIR WITJES: Commissioner Lett?

>> COMMISSIONER LETT: One thing that from the point of view of the amendment, I agree with Cynthia, you know, how do we wrap it up.

Another thing that is enveloped with that, kind of what we tried to do with the dormancy petition is to say what happens if once all the initial lawsuits are resolved, do -- who, if there is a subsequent lawsuit, three, four, five years from now and the courts come back and say, okay, this isn't right.

You got to redo something.

Who is going to do that? Now, we've said in policy we are.

You know, we are going out on a limb that we've all realized.

So that would be one thing that could be improved to specify that from our point of view any way that we've said the Commission goes until the next one is appointed and anything that would come back to a subsequent lawsuit would be brought back to us.

So that would be one of the things that I would say.

>> CHAIR WITJES: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, Edward I'm just going to kind of e-mail you a list because there is a couple things.

But like I think there needs to be more clarity.

There were some issues that came up around voting that we had.

You know especially the issue of the individual maps when they can be voted on, when they have to be submitted and I think there can be better clarity around that.

We tackled the issues as we were going but I think it should be clarified in future legislation in other states so they don't have the same issues again.

>> CHAIR WITJES: Commissioner Clark?

>> VICE CHAIR CLARK: Yeah, I have two items.

One is I think these will be some thought put into what happens when there is delays in the process as we move forward.

The example would be the Federal Government not releasing the census data.

So what happens to our end dates that are defined in the Constitution when that sort of thing happens? That would be an example.

And then the second thing is I think Anthony Skinnell brought up a good point today the next Commission should have a parliamentarian and a requirement that that take place. So I have those to items.

>> CHAIR WITJES: Commissioner Eid?

>> COMMISSIONER EID: Yes, I think one thing I was disappointed about that we were not able to tackle was the issue of prison gerrymander.

If you all will recall we had a quite large public outcry about this issue during our first round of public hearings.

But due to not having a mechanism and there not being laws in place to make it so that folks who are incarcerated are listed at their home addresses instead of their prison addresses we weren't able to do anything about it.

But the law changing or adding it into the constitutional mandate could change that.

>> CHAIR WITJES: Okay, any other ideas or suggestions at this point from anybody else? All right.

>> MR. EDWARD WOODS: Commissioner Witjes I will bring the list back next month so everybody can see it and we will have Commissioner Szetela's information on there as well.

With regards to that so everybody can see it.

And then we can, you know, formally submit it to Voters Not Politicians for consideration under lessons learned.

>> CHAIR WITJES: I was just going to add that I will probably think of a couple of things here.

And if I do, I will forward it over to you as well like Commissioner Szetela is going to. All right.

>> MR. EDWARD WOODS: Thank you.

>> CHAIR WITJES: You are most welcome.

Thank you.

All right, so we have moving on to approval of minutes.

I believe we have three of them to approve.

We do.

Okay, let's see so rather than tackle October 27 first, these minutes have been provided to the Commission before this meeting and are posted on our website.

Are there any edits to the minutes for October 27th's meeting? I have a motion to approve the meeting minutes of October 27th?

>> COMMISSIONER LETT: Move we approve them.

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>> COMMISSIONER ORTON: Second.

>> CHAIR WITJES: Motion by Commissioner Lett and seconded by Commissioner Orton to approve the October 27 minutes.

Are there any discussions on the motion? No? All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

Okay, ayes prevail and the minutes are adopted.

Next are the meeting minutes for November 17th's meeting.

Are there any edits? All right, we have a motion to approve the meeting minutes for November 17.

>> COMMISSIONER LETT: So moved.

>> Second.

>> CHAIR WITJES: Motion made by Commissioner Lett and seconded by Commissioner Curry all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail and the meeting minutes are adopted.

Next minutes for December 15th's meeting.

These have also been provided and posted on our website.

Any edits to these minutes? I'll take a motion to approve the minutes for December 15th.

>> COMMISSIONER LETT: So moved.

>> CHAIR WITJES: Motion made by commission Lett and seconded by Commissioner Weiss all in favor raise your hand and say aye.

Aye.

Ayes prevail and the minutes are approved.

All right, let's see, moving on to reports.

Executive Director's report without objection I will ask Executive Director Woods to provide a report to the Commission.

Go ahead, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Witjes.

Can everyone see the screen?

>> Yes.

>> MR. EDWARD WOODS: This is our Commission attendance report.

This is for 2020.

We have 14 meetings.

2021 we had 115 meetings.

And in 2022 we had 16 meetings.

We met so far for 35,289 minutes.

Or more than 588 hours.

We have attendance rate at our Commission meeting of 93.25%.

As a whole.

And just want to share that this fails to include those who may have technical difficulty and attended by phone or possibly watched the meeting later.

With regards to our attendance.

So I just want to make sure I'm clear with regards to our attendance.

And how long the Commission has met.

And, you know, and how -- there was a lot of meetings as you know in 2021.

Most of you all were not working because there just wasn't time with regards to that.

And so just kind of wanted to share how many meetings that took place.

Everybody is clear.

And these are Commission meetings.

This does not include subcommittee meetings or if you are on a committee or did interviews, this does not include.

These are regular Commission meetings.

So just really wanted to share that with you with regards to that.

And the high attendance rate.

And what you are doing as a legislative body as relates to the maps and number of meetings that took place.

Second thing I would like to share with you with regards to my report is many of you have, if you haven't received you have got calls or we have been e-mailing because of we are in the process of preparing for our Court case for the AG and they would like to schedule individual meetings with each Commissioner as well as the staff.

So I just wanted to share that with you.

We do have the meetings, are scheduled for the first week in November.

The reason why I'm trying to get them all here at one time is to cut costs.

We have two attorneys coming in from Baker Hostetler and one attorney representing Fink Bressack with regards to that meeting so we are trying to do it the first week of February even though they put themselves out for two weeks we can save on travel expenses and hotels and try to get it all done.

Their preference is in person but we do know we have to do Zoom.

We do need to compensate former staff members for their time and cover travel expenses for Commissioners as well as staff.

And so I just need a motion and Commissioner Lett can speak to it with regards to approve paying former staff at the last hourly rate and travel assistance for their assistance in Michigan and the board Chair and Vice Chair and MICRC Executive Director and voted designee would approve their hours worked and travel reimbursement.

At this time I want to ask Commissioner Lett if he is willing to speak on this so everyone is clear on why we need to get our former staff to assist us with our legal cases.

>> CHAIR WITJES: Commissioner Lett?

>> COMMISSIONER LETT: And Rebecca may have some insight on this too.

Typically on these cases where you have staff such as Edward, he would be -- he will be getting paid his normal rate, period.

We've had obviously the Executive Director retired along with the attorney.

If they come back and are deposed at our request, then we felt that they should be at whatever their last rate was to cover their time.

And of course their expenses as well as the expenses of the Commission.

So that it's more than the \$1.98 you get for a witness fee but it's only fair.

\$1.98 may be a little low, and I don't know what it's up to now.

Rebecca may know.

But you got anything to add Rebecca?

>> COMMISSIONER SZETELA: I do not.

I think we are asking them to testify as a curtesy we should be compensating them for their time.

>> COMMISSIONER LETT: We are not paying them for their testimony.

We are paying them for their time that they are having to spend.

>> COMMISSIONER SZETELA: Exactly.

>> COMMISSIONER LETT: If anybody has any questions, I would be happy to try to answer them.

If not, then I would present, I would move that we adopt a motion to, oh, Doug.

>> VICE CHAIR CLARK: I have one question.

When we say time, how do we define that? Do we define that as just time with the attorneys? Or travel plus travel time plus time with attorneys?

>> COMMISSIONER LETT: I would define it as time with the attorneys.

We are covering their travel expenses.

>> VICE CHAIR CLARK: Correct.

>> COMMISSIONER LETT: But not paying them door to door.

>> VICE CHAIR CLARK: And I agree with that.

I just wanted it defined.

Thank you.

>> CHAIR WITJES: Commissioner Orton?

>> COMMISSIONER ORTON: So this is normal, this is normally how things are done, to pay people, former employees for their time?

>> COMMISSIONER LETT: I don't know that there is a, quote, normal.

There certainly would be instances where you wouldn't, that you know somebody had been gone for three or four or five years, you're just going to pay them a witness fee.

But in our case the two that come to my mind Executive Director and attorney were integral parts of the process.

And therefore really treating them as coming back as an employee and paying them for their time.

So I don't know that there's a, quote, normal.

There is nothing that I'm aware of, Rebecca maybe knows in the Court rules that say I got to pay a former employee to come back.

There is nothing that says I can't.

>> COMMISSIONER SZETELA: I would say it's not atypical is how I would characterize it.

We wouldn't consider it to be unusual to pay someone.

It would not be unusual to not pay someone in this case we are choosing to compensate them for that time that it's going to take where they are having to take time off their existing jobs and in Sue's case she is retired to come in and meet with the attorneys.

>> CHAIR WITJES: I'll second the motion.

>> COMMISSIONER LETT: I don't think I got it made yet.

I started.

>> CHAIR WITJES: Go ahead.

>> COMMISSIONER LETT: I move that the Commission pay the former staff at the most recent hourly rate for the time they spend in deposition and for their travel expenses.

>> CHAIR WITJES: I'll second it.

All right motion was made by Commission Lett, seconded by myself.

Any discussion or debate on the motion? Seeing none, let's take a vote all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

And the motion is adopted.

All right, anything else Executive Director Woods?

>> MR. EDWARD WOODS: Yes.

Let me put up my screen again.

I need the Commission's approval to change our next meeting on February 16th from a start time of 10:00 instead of 10:00 a.m. to start at 9:00 a.m.

If that could be approved, I would greatly appreciate it.

Commissioner Orton.

I will check with attorneys and MDOS and no one has come up with objections.

>> COMMISSIONER ORTON: That was my question.

So moved.

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I move that we change the February 16th meeting from 10:00 a.m. to 9:00 a.m. start time.

>> COMMISSIONER LETT: Second.

>> CHAIR WITJES: Motion to set our next meeting to 9:00 a.m., motion made by Commissioner Orton, seconded by Commissioner Lett any discussion or debate on the motion? Seeing none all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

All right, motion is adopted.

And please continue, Director Woods.

>> MR. EDWARD WOODS: Sure.

Once again want to thank Nelson from MDOS who provides the updates.

As you can see our updates website hits have gone down since the election.

In November they have gone down so we are 10824 page views.

63% of that is final and District maps.

11% excuse me is District maps by county.

In the materials, the meeting materials that were sent out and is also posted on the website we identify what we call presentation reports.

These deal with presentations, media interviews or any outreach activity.

Right now we are mainly doing presentations.

And as of December 31st we are at 285.

285 presentations.

It's color coded.

So you can identify what is what.

But Black is presentations.

Orange are interviews.

And purple is outreach.

So the main thing we are doing right now are presentations and interviews when requested.

I want you to know I did update the catalog of meetings.

The catalog of meetings provides, is how we track in terms of what takes place at each meeting.

We also track to make sure minutes, transcripts and things are listed.

So that we are up to date.

And that is something that we spent a lot of time helping out with that.

Want to give a shout out to Sarah Reinhardt as well as Nelson who continue to help and facilitate this process.

This is necessary for attorneys as relates to discovery.

And also just making sure that everything that we said we did or every document that is out there is open and available to the public as part of our values of transparency.

And then also been meeting with legislatures and their staff as relates to the budget as well.

Those are just some of the highlights that I wanted to share with you.

If there is any questions or things that people may be concerned about, please let me know and I will be more than happy to answer them at this time.

>> CHAIR WITJES: Any questions for Mr. Woods? Commissioner Clark?

>> VICE CHAIR CLARK:

>> COMMISSIONER WITJES: Commissioner Clark.

>> VICE CHAIR CLARK: Yes, Edward, do you have any future meetings planned with the legislatures to get our you know the discussion on the amount of money that we need to get approved?

>> MR. EDWARD WOODS: Yes, Commissioner Lett and I are meeting with the Governor's legislative director today with regards to that.

And I'll provide an update.

>> CHAIR WITJES: All right any other questions?

>> VICE CHAIR CLARK: And the purpose of that meeting.

>> MR. EDWARD WOODS: Fiscal year 23 budget.

To talk about the funding.

>> VICE CHAIR CLARK: Funding and how to get it approved.

>> MR. EDWARD WOODS: Correct.

>> VICE CHAIR CLARK: Okay thank you.

>> MR. EDWARD WOODS: So we have been doing that, Commissioner Clark, for about the last two months or so.

You know, just trying to do updates.

And we are seeing some progress to be honest with you.

So not where we want to be but are getting closer to our goal.

So really want to thank the legislatures and their staff that have met with us as well as the Governor's office and their staff that has met with us to get this behind us.

So that we can defend our maps.

>> VICE CHAIR CLARK: Yeah, I think it's a positive thing.

I would rather take that routes than go through the courts as we already initiated.

So thank you, Edward.

>> CHAIR WITJES: Any other questions for Mr. Woods? All right, we will move on to our legal liaison report.

Commissioner Lett is there anything you would like to share?

>> COMMISSIONER LETT: Okay, as Edward said, we are meeting with Curtis Fortell today at 1:00 and he has also said the Senate approved in the supplemental the 1.5 million.

We were asked at one time if that would do it, would we be satisfied with that, and we said that's a good start, how are you going to handle the balance.

So we will be talking about that today.

Hopefully it will move through the legislature and then on to the Governor's desk.

I do not anticipate, I do not anticipate a problem with the 1.5.

So from the legislative side Edward has been mining those efforts.

We also directed our local attorneys, Fink Bressack, to reach out to the attorneys that are defending the state to see if there are some openings there to resolve this without having to proceed with any further litigation.

And the reason that we did that is because, as you're aware, we approved a timeframe for them to answer.

They requested an extension and we approved it.

The idea then being once we did that, that our attorneys would talk with their attorneys and say, look, isn't there something we can work out.

You won't have to answer.

We can get something done and dismiss the suit or do something with it.

So all of those actions are taking place concurrently, at the same time.

So we are working, trying to work both ends.

I haven't talked with Nate or David other than to know that Nate, I believe, made an approach.

And I don't know the results of that.

I know David knew, was familiar with and knew the attorneys that are on the case for the state.

So that brings you up to date on what we're doing moving forward.

Certainly, the idea would be that, however, this meeting goes today to put in place the request for the balance of the funds as this budget season goes forward.

Who knows how they do this.

It's like making sausage.

You don't want to know what goes into it.

But that's where we are at with that.

We have the one case, the Banerian case that has been dismissed.

I don't know if anybody particularly knows why they decided to dismiss it other than the fact they kept losing.

It may have something to do with it.

But that's gone.

So that leaves AG and as we discussed before, the normal process start taking depositions and move the case along pursuant to the trial schedule, Court scheduling order that was presented previously by the attorneys.

So I think that brings the litigation up to date as well as what's going on with the attorneys and trying to get the funds.

And if you got questions, I would be happy to attempt to answer them.

>> CHAIR WITJES: Commissioner Kellom?

>> COMMISSIONER KELLOM: It's not really a question but a comment.

I deeply appreciate the work that's going into liaisons regarding getting our funding and making sure that this is amicably resolved at this point.

I just think you know it's kind of unfortunate we had to go through this especially the hard work that we have done in the spirit of respecting professionalism and us as employees as well as the amount of collaboration that has been exhibited as Commissioners.

So I'm praying fervently that this lawsuit is resolved because at this point it's not about the money as I've said or us getting paid.

It's now about the respect of the work that we have done.

And the respect that we have is still meeting and trying to handle this as best we can as adults.

So thank you.

>> COMMISSIONER LETT: Thank you.

>> CHAIR WITJES: Any other questions for Commissioner Lett? All right, moving on to the Department of State updates.

And without objection are there any updates that Ms. Reinhardt or Mr. Brady have to give us.

>> SARAH REINHARDT: Yes, I do have two updates for you all.

>> CHAIR WITJES: All right go ahead.

>> SARAH REINHARDT: First I wanted to update the Commission that survey monkey which is the tool through which members of the public sign up for live public comment will no longer be on contract through the Department of State as of the first week of February.

So I've discussed with your Executive Director a few alternate ways that members of the public can sign up for or indicate they want to give public comment or live public comment during a meeting.

And what we arrived at was the best way would probably be for them to e-mail the redistricting in box at this point.

So the meeting notice for February will be updated to reflect that new procedure.

But just wanted to update you all that we will no longer have that survey monkey available for public comment going forward.

Any questions on that? Okay, all right my second update for you all is that DTMB who oversees some of the technology aspects for your laptop, I'm sure you are all intimately familiar with DTMB at this point, so they have adopted a new policy going into effect this summer that any computer not logged into their VPN within the last 180 days will have their accounts and the contents of their devices deleted.

So with the adoption of this policy, it's absolutely critical that every Commissioner log in to their VPN and allow security updates to occur at least once per month, ideally once per week.

So each Commissioner will need to log in to their VPN and the updates may take several hours.

So you can log in and just leave your device for the day to perform updates and to connect to the network.

So if you have not logged in to your VPN in a while, it's possible that it may now be inactive.

And if that is the case it will need to be brought into a state facility and physically plugged into the network.

So if when you were trying to log into your VPN if you are unable to do it, just contact Edward or me and we can work to coordinate getting your device to a state facility so that we can resolve this issue.

And then, just to reiterate, on an ongoing basis once any issues are resolved and you have logged in the VPN, you will need to continue to do that at least once per month; ideally once per week.

Any questions on this?

>> COMMISSIONER CURRY: Yes.

>> SARAH REINHARDT: Yes Juanita.

>> COMMISSIONER CURRY: Yes, Sarah I contacted the people that takes care of the VPN.

And with no avail.

They have not been able to help me.

I even went in with Edward, Mr. Woods, and were there three or four hours and they could not get my VPN to work so that is probably why I can't log in so I don't know what to do.

I have called the number several times with no one returning the call.

And I'm not having any luck with that.

>> SARAH REINHARDT: Okay, yeah, that is definitely something that Edward and I can work together to resolve and we will escalate the issue within DTMB so we can make sure to get your VPN fixed so you are able to log in.

>> COMMISSIONER CURRY: Okay thank you.

>> SARAH REINHARDT: You're welcome.

Any other questions? All right, those are all the updates I have.

Thank you, Mr. Chair.

>> CHAIR WITJES: Thank you Ms. Reinhardt.

All right, correspondence if any was received in advance of our meeting today along with any written public comments and provided to the Commissioners.

Are there any agenda items that Commissioners would like to add to future agendas?

Are there any announcements? All right, there is one more thing on our agenda and that is to adjourn on the items on our agenda are completed and the Commission has no further business today a motion to adjourn is.

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>> COMMISSIONER LETT: I move we adjourn.

>> CHAIR WITJES: Way to jump the gun.

Okay so motion made by Commissioner Lett seconded by Commissioner Weiss.

Any discussion or debate? Seeing none all in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

All right, we are adjourned at 11:04 a.m.

Have a good weekend, everybody.